

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
IDA DENISE EZELL,) CASE NO. 09-21596 JPK
) Chapter 13
Debtor.)

ORDER FOR HEARING REGARDING MOTION
FOR UNPAID ATTORNEY'S FEES ("MOTION")

The Motion was filed by counsel for the debtor on August 28, 2009. The Motion requests an allowance of attorney's fees in the amount of \$2,801.50, and an order authorizing that the amount of the request be paid by the Chapter 13 Trustee "out of the funds on hand" in the Chapter 13 estate. The record discloses that the debtor's plan was confirmed by order entered on August 6, 2009, and that attorney's fees to debtor's counsel were awarded in the amount of \$2,506.50. That award was intended to provide compensation for all services provided to and including the entry of the order of confirmation. The itemization of attorney's fees which accompanied the Motion appears to the court to seek to obtain approval of compensation for services rendered on August 3, 2009 for attendance at a confirmation hearing, apart from the compensation awarded by the confirmation order entered on August 6, 2009. It is the court's intent in awarding fees in a confirmation order to cover all fees and expenses incurred by an attorney up to the entry of the order of confirmation. The court's docket entry with respect to the confirmation hearing does not note the appearance of counsel for the debtor, and that is as it should be: no objections to confirmation were filed, and thus it was not necessary for debtor's counsel to attend the confirmation hearing. Why an application would be filed for approval of fees which in large part had been previously approved by the court is not comprehensible to the court. Paragraph 2 of the Motion states that "on August 27, 2009 the Debtor has decided to convert her Chapter 13 to a Chapter 7". However, as of the date of filing of the Motion, no motion to convert the case had been filed.

The debtor's counsel has been awarded compensation for all legal services rendered up to and including the entry of the order of confirmation in the amount of \$2,506.50. The court does not have a record regarding the attendance of debtor's counsel at the confirmation hearing, and if debtor's counsel chose to attend the confirmation hearing, that attendance was unnecessary. There is no basis upon which the Motion can be sustained.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on October 9, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee